IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1467 of 2005

Between:

D. Lakshmi Devi, W/o. Sreenaiah,
R/o. Nanadavaram Village, Marripadu Manddal, Nellore District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,

Revenue (Excise) Department,
Secretariat, Hyderabad.
2 The Commissioner, Prohibition & Excise Department,

Andhra Pradesh, Nampally, Hyderabad.
3 The Prohibition & Excise Superintendent, Nellore.
4 Sri G. Chennaiah, S/o. Chenchu Naidu,
Licencee of Sri Sai Wines, Marripadu Village & Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing orders in the stay petition in the revision petition pending before it filed by the Petitioner on 15-01-2005 as illegal, arbitrary and unjust and consequently direct the respondents not to permit the 4th Respondent to run his I.L-24 shop in between the S.C. Colonies of Nandavaram and Ramanaidupally.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the first respondent in not passing orders in the stay petition filed along with the revision petition on 15.01.2005, as illegal and arbitrary and consequently, to direct the respondents not to permit the fourth respondent to run his I.L-24 shop in between the S.C. Colonies of Nandavaram and Ramanaidupally.

No counter affidavit is filed by the respondents denying the averments made in the affidavit, filed in support of the writ peition.

Admittedly, the petitioner filed a revision petition before the second respondent on 15.01.2005 along with a petition to suspend the operation of the proceedings of the first respondent and the same is pending consideration.

Under the circumstances, without going into the merits of the case, suffice it to dispose of the writ petition with a direction to the first respondent to pass appropriate orders in accordance with law, on the Stay Application filed along with the revision petition within a period of four weeks from the date of receipt of copy of this order, if not already passed.

The writ petition is disposed of with the above observation. No order as to costs.

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25.04.2005

dr/tvk

To

1 The Government of Andhra Pradesh, Rep. by its Secretary,

Revenue (Excise) Department,
Secretariat, Hyderabad.

2 The Commissioner, Prohibition & Excise Department,

Andhra Pradesh, Nampally, Hyderabad.
3 The Prohibition & Excise Superintendent, Nellore.
4 2 CCs to Government Pleader for Prohibition and

And Excise, High Court Buildings, Hyderabad. (OUT)

5 2 CD copies

6 1 CC to MR.SIVA REDDY